



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB6307

by Rep. Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/85

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that every person, association, trust, or corporation having any direct or indirect pecuniary interest in a cultivation center operation shall certify that he or she has never owned nor operated a business, corporation, or other organization whose mission is or was to promote the sale or use of loose tobacco, or both, or the sale or use of plants, herbs, cigars, cigarettes, pipes, or other devices for burning tobacco and related smoking accessories, or any materials intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body as defined in the Drug Paraphernalia Control Act. Provides that a permit to cultivate or dispense medical cannabis, or both, shall not be issued to any applicant unable to comply with this requirement. Effective immediately.

LRB098 22907 RLC 61857 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Compassionate Use of Medical Cannabis Pilot  
5 Program Act is amended by changing Section 85 as follows:

6 (410 ILCS 130/85)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 85. Issuance and denial of medical cannabis  
9 cultivation permit.

10 (a) The Department of Agriculture may register up to 22  
11 cultivation center registrations for operation. The Department  
12 of Agriculture may not issue more than one registration per  
13 each Illinois State Police District boundary as specified on  
14 the date of January 1, 2013. The Department of Agriculture may  
15 not issue less than the 22 registrations if there are qualified  
16 applicants who have applied with the Department.

17 (b) The registrations shall be issued and renewed annually  
18 as determined by administrative rule.

19 (c) The Department of Agriculture shall determine a  
20 registration fee by rule.

21 (d) A cultivation center may only operate if it has been  
22 issued a valid registration from the Department of Agriculture.  
23 When applying for a cultivation center registration, the

1 applicant shall submit the following in accordance with  
2 Department of Agriculture rules:

3 (1) the proposed legal name of the cultivation center;

4 (2) the proposed physical address of the cultivation  
5 center and description of the enclosed, locked facility as  
6 it applies to cultivation centers where medical cannabis  
7 will be grown, harvested, manufactured, packaged, or  
8 otherwise prepared for distribution to a dispensing  
9 organization;

10 (3) the name, address, and date of birth of each  
11 principal officer and board member of the cultivation  
12 center, provided that all those individuals shall be at  
13 least 21 years of age;

14 (4) any instance in which a business that any of the  
15 prospective board members of the cultivation center had  
16 managed or served on the board of the business and was  
17 convicted, fined, censured, or had a registration or  
18 license suspended or revoked in any administrative or  
19 judicial proceeding;

20 (5) cultivation, inventory, and packaging plans;

21 (6) proposed operating by-laws that include procedures  
22 for the oversight of the cultivation center, development  
23 and implementation of a plant monitoring system, medical  
24 cannabis container tracking system, accurate record  
25 keeping, staffing plan, and security plan reviewed by the  
26 State Police that are in accordance with the rules issued

1 by the Department of Agriculture under this Act. A physical  
2 inventory shall be performed of all plants and medical  
3 cannabis containers on a weekly basis;

4 (7) experience with agricultural cultivation  
5 techniques and industry standards;

6 (8) any academic degrees, certifications, or relevant  
7 experience with related businesses;

8 (9) the identity of every person, association, trust,  
9 or corporation having any direct or indirect pecuniary  
10 interest in the cultivation center operation with respect  
11 to which the registration is sought. If the disclosed  
12 entity is a trust, the application shall disclose the names  
13 and addresses of the beneficiaries; if a corporation, the  
14 names and addresses of all stockholders and directors; if a  
15 partnership, the names and addresses of all partners, both  
16 general and limited. Every individual identified in  
17 accordance with this paragraph (9) shall certify that he or  
18 she has never owned nor operated a business, corporation, or  
19 other organization whose mission is or was to promote the  
20 sale or use of loose tobacco, or both, or the sale or use  
21 of plants, herbs, cigars, cigarettes, pipes, or other  
22 devices for burning tobacco and related smoking  
23 accessories, or any materials as defined in paragraph (5)  
24 of subsection (d) of Section 2 of the Drug Paraphernalia  
25 Control Act. A permit to cultivate or dispense medical  
26 cannabis, or both, shall not be issued to any applicant

1       unable to comply with this requirement;

2           (10) verification from the State Police that all  
3 background checks of the principal officer, board members,  
4 and registered agents have been conducted and those  
5 individuals have not been convicted of an excluded offense;

6           (11) provide a copy of the current local zoning  
7 ordinance to the Department of Agriculture and verify that  
8 proposed cultivation center is in compliance with the local  
9 zoning rules issued in accordance with Section 140;

10          (12) an application fee set by the Department of  
11 Agriculture by rule; and

12          (13) any other information required by Department of  
13 Agriculture rules, including, but not limited to a  
14 cultivation center applicant's experience with the  
15 cultivation of agricultural or horticultural products,  
16 operating an agriculturally related business, or operating  
17 a horticultural business.

18       (e) An application for a cultivation center permit must be  
19 denied if any of the following conditions are met:

20           (1) the applicant failed to submit the materials  
21 required by this Section, including if the applicant's  
22 plans do not satisfy the security, oversight, inventory, or  
23 recordkeeping rules issued by the Department of  
24 Agriculture;

25           (2) the applicant would not be in compliance with local  
26 zoning rules issued in accordance with Section 140;

1           (3) one or more of the prospective principal officers  
2 or board members has been convicted of an excluded offense;

3           (4) one or more of the prospective principal officers  
4 or board members has served as a principal officer or board  
5 member for a registered dispensing organization or  
6 cultivation center that has had its registration revoked;

7           (5) one or more of the principal officers or board  
8 members is under 21 years of age;

9           (6) a principal officer or board member of the  
10 cultivation center has been convicted of a felony under the  
11 laws of this State, any other state, or the United States;

12           (7) a principal officer or board member of the  
13 cultivation center has been convicted of any violation of  
14 Article 28 of the Criminal Code of 2012, or substantially  
15 similar laws of any other jurisdiction; or

16           (8) the person has submitted an application for a  
17 certificate under this Act which contains false  
18 information.

19       (Source: P.A. 98-122, eff. 1-1-14.)

20           Section 99. Effective date. This Act takes effect upon  
21 becoming law.